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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,170	06/20/2003	Andy Peichl	7781.0083-00	7610
22852 7590 02/03/2010 FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413				
EXAMINER WONG, ERIC TAI WAI				
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3693				
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/601,170

**Applicant(s)**

PEICHL ET AL.

**Examiner**

ERIC T. WONG

**Art Unit**

3693

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10/26/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30, 32, 34 and 35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30, 32, 34 and 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112, First Paragraph***

1. Claims 1-30, 32, 34, and 35 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.
2. Independent claims 1, 16, 23, and 34 have been amended to recite wherein the commitment engine provides the automatic advance notification to the user by sending an email message to the user. Examiner is unable to locate support in the specification as originally filed for the limitation. In particular, Examiner is unable to locate support for sending an email message to the user. Applicant is requested to point out support in the specification as originally filed should such support exist.
3. The remaining dependent claims are rejected by virtue of their dependence on one of the independent claims discussed above.

***Claim Rejections - 35 USC § 112, Second Paragraph***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. The term "detailed" in claim 35 is a relative term which renders the claim indefinite. The term "detailed" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-8, 15-17, 23-24, 30, 32, and 34 rejected under 35 U.S.C. 103(a) as being unpatentable over SCS (North Carolina Salary Control System Operator's Manual, cited in prior Office Action) in view of Hicks (US PATENT 4,261,037, cited in prior Office Action).

8. Regarding claims 1, 16, and 23, SCS teaches a central processing unit; input/output means; at least one data base containing human resource data relating to human resource objects (see section 5.1); and a commitment engine, said commitment engine retrieving human resource data from said at least one database and evaluating a projected human resource budget for a given human resource object for a predefined period of time based on said retrieved human resource data, said commitment engine further storing a result of said evaluation, monitoring changes in said projected human resource budget during said predefined period of time (see section 1), and providing an automatic advance notification to a user if said projected human resource budget exceeds a fund reserved for the given human resource object for said predefined period of time (see section 2.1.2., "Reserve Balances").

9. Examiner notes that the salary encumbrances are projected human resource budgets. The reserve in SCS is adjusted in accordance with the salary encumbrances and individual balances may operate in the negative. Therefore, the indication of a negative balance is an advance

notification that a projected human resource budget will exceed a fund reserved for a given human resource object.

10. SCS teaches providing an automatic advance notification to a user if said projected human resource budget exceeds a fund reserved for the given human resource object for said predefined period of time. However, SCS does not explicitly teach providing the automatic advance notification by sending a message to the user.

11. Hicks teaches comparing a projected budget with a predetermined budget and actively alerting a user if said projected budget exceeds said predetermined budget (see col. 3 lines-27-42). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified SCS to actively send a message if said projected budget exceeds said predetermined budget as taught by Hicks. The modification would have merely been the application of a known technique, ie. alerting a user if a projected budget exceeds a predetermined budget amount, to a known method ready for improvement, ie. monitoring of human resource budgets, yielding predictable results.

12. Examiner notes Hicks is directed towards a system for monitoring utility usage. The reference is deemed analogous art because it is reasonably pertinent to the problem which is being solved, ie. comparing a projected amount to a budgeted amount.

13. Hicks does not explicitly teach sending an email as the means for alerting. However, it was old and well known in the art at the time of invention to use email as a means for sending an alert. Therefore, it would have been obvious to further modify SCS to include sending an email as the means for alerting. One skilled in the art would have been motivated to make the modification for convenience.

14. Regarding claim 2, SCS teaches retrieving objects from said at least one database, collecting data from said at least one database, and writing updated budget data to said at least one database.
15. Regarding claim 3, SCS teaches creating human resource budget control documents, handling errors and triggering workflows to overcome an error (see section 3.2.1), and transferring human resource budget to an exterior accountancy (see section 5.1).
16. Regarding claim 4, SCS teaches wherein said human resource data consists of position data and individual employee data.
17. Regarding claim 5, SCS teaches wherein said commitment engine calculates an individual employee salary on the basis of said retrieved data.
18. Regarding claim 6, SCS teaches wherein said commitment engine calculates said individual employee salary for said predefined period of time as a budget and monitors said budget during said period of time.
19. Regarding claim 7, SCS teaches wherein said commitment engine combines several of said individual employee salary budgets into a department or cost center budget (see sections 4.2.1, 4.3.2).

20. Regarding claim 8, SCS teaches wherein said commitment engine monitors said department or cost center budget during said period of time (see sections 4.2.1, 4.3.2).
21. Regarding claim 15, SCS teaches automatically recognizing changes to said human resource data that are relevant to said human resource budget and automatically re-evaluating said projected human resource budget (see section 2.1.2).
22. Regarding claims 17 and 24, SCS teaches reserving an amount of money according to said evaluated human resource data (see section 2.1.1).
23. Regarding claims 30 and 32, SCS teaches wherein said human resource data includes human resource position data and human resource object data (see section 5.1).
24. Regarding claim 34, SCS teaches a commitment engine configured for retrieving human resource data from at least one database and evaluating a projected human resource budget for a given human resource object for a predefined period of time based on the retrieved human resource data including pre-commitment data concerning both vacant and occupied positions, the commitment engine further storing a result of the evaluation, monitoring changes in the projected human resource budget during the predefined period of time, and providing an automatic advance notification to a user of the projected human resource budget exceeds a fund reserved



for the given human object and for the predefined period of time (see at least sections 1, 2.1.2, and 5.1).

25. Examiner notes that the salary encumbrances are projected human resource budgets. The reserve in SCS is adjusted in accordance with the salary encumbrances and individual balances may operate in the negative. Therefore, the indication of a negative balance is an advance notification that a projected human resource budget will exceed a fund reserved for a given human resource object.

26. SCS teaches providing an automatic advance notification to a user if said projected human resource budget exceeds a fund reserved for the given human resource object for said predefined period of time. However, SCS does not explicitly teach providing the automatic advance notification by sending a message to the user.

27. Hicks teaches comparing a projected budget with a predetermined budget and actively alerting a user if said projected budget exceeds said predetermined budget (see col. 3 lines-27-42). It would have been obvious to one of ordinary skill in the art at the time of invention to have modified SCS to actively send a message if said projected budget exceeds said predetermined budget as taught by Hicks. The modification would have merely been the application of a known technique, ie. alerting a user if a projected budget exceeds a predetermined budget amount, to a known method ready for improvement, ie. monitoring of human resource budgets, yielding predictable results.

28. Examiner notes Hicks is directed towards a system for monitoring utility usage. The reference is deemed analogous art because it is reasonably pertinent to the problem which is being solved, ie. comparing a projected amount to a budgeted amount.

29. Hicks does not explicitly teach sending an email as the means for alerting. However, it was old and well known in the art at the time of invention to use email as a means for sending an alert. Therefore, it would have been obvious to further modify SCS to include sending an email as the means for alerting. One skilled in the art would have been motivated to make the modification for convenience.

30. Claims 9-10, 18-22, and 25-29, rejected under 35 U.S.C. 103(a) as being unpatentable over SCS in view Hicks, further in view of GLS (General Ledger System, "Salary Encumbrances", cited in prior Office Action).

31. Regarding claims 9 and 10, SCS does not explicitly teach wherein said monitoring involves a comparison of said calculated individual employee salary budget with one or more actually effected salary payments.

32. GLS teaches wherein said monitoring involves a comparison of said calculated budget with actually effected salary payments. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have modified SCS with wherein the monitoring involves a comparison of said calculated budget with actually effected salary payments. The modification would have merely been the application of a known technique to a known method ready for improvement yielding predictable results.

33. Regarding claims 18 and 25, SCS does not explicitly teach continuously adapting said reserved amount of money by subtracting one or more effected salary payments.

34. GLS teaches continuously adapting said reserved amount of money by subtracting one or more effected salary payments. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have modified SCS with continuously adapting said reserved amount of money by subtracting one or more effected salary payments. The modification would have merely been the application of a known technique to a known method ready for improvement yielding predictable results.

35. Regarding claims 19-22, 26-29, SCS teaches a reservation step (reserved funds) and a pre-commitment step (salary encumbrances). SCS does not explicitly teach a commitment step based only on retrieved human resource object data, and a subsequent adaptation of one or more results of said respective prior steps; reserving an amount of money for said predefined period of time based on said results of said commitment step; and continuously adapting said results of said pre-commitment and commitment steps based on changes to said human resource position/object data.

36. GLS teaches a commitment step based only on retrieved human resource object data, and a subsequent adaptation of one or more results of said respective prior steps. Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have modified SCS with a commitment step based only on retrieved human resource object data, and a subsequent adaptation of one or more results of said respective prior steps; reserving an amount of money for said predefined period of time based on said results of said commitment step; and continuously adapting said results of said pre-commitment and commitment steps based on changes to said human resource position/object data. The modification would have merely been

the application of a known technique to a known method ready for improvement yielding predictable results.

37. Claims 11-14 rejected under 35 U.S.C. 103(a) as being unpatentable over SCS in view of Hicks, further in view of Visual Rota ("Cash Budgets & Budgetary Control", cited in prior Office Action).

38. Regarding claim 11, SCS does not explicitly teach calculating position cost simulations for employee positions on the basis of said position data for said predefined period of time, the sum of said position cost simulations being the potential position budget for an employer entity or sub-entity for said predetermined period of time.

39. Visual Rota teaches calculating position cost simulations for employee positions on the basis of said position data for said predefined period of time, the sum of said position cost simulations being the potential position budget for an employer entity or sub-entity for said predetermined period of time (see "Indirect Costs", "Using Budgetary Control in Visual Rota"). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have modified SCS with calculating position cost simulations for employee positions on the basis of said position data for said predefined period of time, the sum of said position cost simulations being the potential position budget for an employer entity or sub-entity for said predefined period of time. The modification would have merely been the application of a known technique to a known method ready for improvement yielding predictable results.

40. Regarding claim 12, SCS does not explicitly teach calculating one or more employee cost simulations for an existing employee based on said individual employee data for said predefined period of time, a sum of said employee cost simulations being an actual employee budget for an employer entity or sub-entity for said predefined period of time.

41. Visual Rota teaches calculating one or more employee cost simulations for an existing employee based on said individual employee data for said predefined period of time, a sum of said employee cost simulations being an actual employee budget for an employer entity or sub-entity for said predefined period of time (see "Indirect Costs", "Using Budgetary Control in Visual Rota"). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to have modified SCS with calculating one or more employee cost simulations for an existing employee based on said individual employee data for said predefined period of time, a sum of said employee cost simulations being an actual employee budget for an employer entity or sub-entity for said predefined period of time. The modification would have merely been the application of a known technique to a known method ready for improvement yielding predictable results.

42. Regarding claim 13, SCS teaches providing an indication for an employee position opening for new personnel based on a difference between said potential position budget and an actual employee budget (see section 2.1.1).

43. Regarding claim 14, SCS teaches providing an indication for an employee position opening for new personnel based on a difference between a potential position budget and said actual employee budget (see section 2.1.1).

44. Claim 35 rejected under 35 U.S.C. 103(a) as being unpatentable over SCS in view of Hicks, further in view of Official Notice.

45. SCS does not explicitly disclose wherein the email message includes a detailed reason for the notification and a remedy.

46. Official Notice is taken that giving a detailed reason and remedy for a projected budget overage was old and well known in the art at the time of invention.

47. It would have been obvious to one of ordinary skill in the art at the time of invention to have modified SCS further with wherein the email message includes a detailed reason for the notification and a remedy. The modification would have merely been the automation of an old and well known process (see *In re Venner*, 120 USPQ 192, 194; 262 F2d 91 (CCPA 1958))

***Response to Arguments***

48. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

49. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC T. WONG whose telephone number is 571-270-3405. The examiner can normally be reached on Monday-Friday 9:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James A. Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James A. Kramer/  
Supervisory Patent Examiner, Art Unit 3693

ERIC T. WONG  
Examiner  
Art Unit 3693

January 21, 2010